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Paper No. 10

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OFFICE OF PETITIONS

In re Application of :
Jacobs, et al. :
Application No. 09/732,158 :
Filed: December 7, 2000 :
Attorney Docket No. PA000396 :

DECISION GRANTING PETITION

This is a decision on the petition filed July 14, 2003, to have the filing date of the above-cited application corrected to reflect the original filing date granted of December 7, 2000.

On December 7, 2000, the application was deposited.

On January 26, 2001, the Office of Initial Patent Examination mailed a Notice stating that substitute drawings were required and that Figures 18B, 18C, 18D and 18E as described in the specification appeared to have been omitted. The Notice allowed three options for response--one of those being retaining the filing date accorded, filing no petition and accepting the application as filed, and amending the application later.

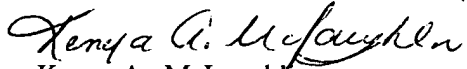
On March 12, 2001 (certificate of mailing dated March 9, 2001), petitioner filed the "Response to Notice to File Corrected Application Papers and Preliminary Amendment" in which petitioner amended the specification to delete all references to Figures 18B through 18E. Substitute drawings were filed on March 26, 2001, in compliance with the Notice.

It appears that the Office misinterpreted the response of March 12, 2001, as a request to accept the date that the response to the Notice of January 26, 2001, was filed as the filing date of the application. In fact, it is clear that petitioner intended for the application as filed on December 7, 2000, to be considered complete in the absence of Figures 18B through 18E and the response of March 12, 2001, to be an amendment of the specification only with no change to the filing date.

The petition is, therefore, **granted**. The filing date for the application will be changed to December 7, 2000.

The application file is being forwarded to the Office of Initial Patent Examination where the filing date will be changed to December 7, 2000, and a corrected filing receipt issued. The application file will then be forwarded to the Assignment Division for a corrected Notice of Recordation reflecting the filing date for the application as December 7, 2000.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions